

STATE OF NEW YORK
SUPREME COURT

COUNTY OF KINGS

STEPHEN R. JACKSON
Plaintiff,

SUMMONS

Index No: _____

v.

DIOCESE OF BROOKLYN, a/k/a
ROMAN CATHOLIC DIOCESE OF BROOKLYN

Defendants.

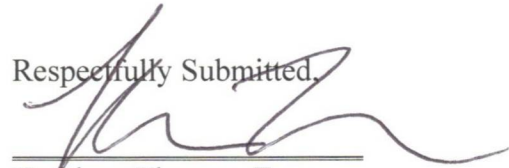
TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to Answer the attached Complaint in this action and to serve upon Plaintiff's attorneys a copy of your Answer, or, if the Complaint is not served with this Summons, to serve a notice of appearance, on the Plaintiffs' attorneys within twenty (20) days after the service of this Summons, exclusive of the day of service, or within thirty (30) days after the service is complete if this Summons is not personally delivered to you within the State of New York.

PLEASE TAKE NOTICE in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Complaint.

Dated: August 26, 2019
New York, New York

Respectfully Submitted,



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Attorneys for Plaintiffs

STATE OF NEW YORK
SUPREME COURT

COUNTY OF KINGS

STEPHEN R. JACKSON

Plaintiff,

v.

DIOCESE OF BROOKLYN, a/k/a
ROMAN CATHOLIC DIOCESE OF BROOKLYN

Defendants.

VERIFIED COMPLAINT
JURY TRIAL DEMANDED

Index No: _____

Plaintiff Stephen R. Jackson ("Plaintiff"), by and through his attorneys, Thomas LaBarbera Counselors At Law and Andreozzi & Associates, P.C., as and for his Complaint in this matter against defendant Diocese of Brooklyn a/k/a Roman Catholic Diocese of Brooklyn ("Defendant" or "Diocese"), hereby alleges as follows:

Nature of the Action

1. Plaintiff brings this action against Defendant pursuant to New York's Child Victims Act ("CVA") (N.Y. C.P.L.R. § 214-g).

Parties

2. Defendant Diocese of Brooklyn a/k/a Roman Catholic Diocese of Brooklyn is Catholic diocese created in approximately 1853 headquartered in Brooklyn whose territory encompasses the New York City boroughs of Brooklyn and Queens. The Diocese is a suffragan diocese of the Archdiocese of New York. The Diocese's principal office is located at 310 Prospect Park West, Brooklyn, NY 11215.

3. At all relevant times, the Diocese created, oversaw, managed, controlled, directed and operated parishes and/or churches and/or schools of the Diocese.

4. At all relevant times, the Diocese oversaw, managed, controlled, and directed all priests assigned to work in parishes and/or churches and/or schools of the Diocese and associated entities, including George Zatarga.

5. Plaintiff Stephen R. Jackson is an adult resident of New York.

Jurisdiction and Venue

6. This Court has personal jurisdiction over the Defendant pursuant to N.Y. C.P.L.R. § 301 and § 302.

7. This Court, as a court of general jurisdiction, has subject matter jurisdiction over this action.

8. Venue in the County of Kings is proper pursuant to CPLR § 503 because the Diocese resides and/or does business in this County.

Facts

Sexual Abuse in the Brooklyn Diocese and by Father George Zatarga

9. As is now well-known, child sex abuse by Catholic priests was widespread, resulting in major sex abuse scandals involving Catholic Dioceses around the world, including those in Boston, Los Angeles, Philadelphia, and many other cities.

10. For many years, however, the scope of the Catholic child sex-abuse epidemic was unknown.

11. Thanks to an investigation in 2002 by the Boston Globe's "Spotlight" team, made more famous by the 2015 film *Spotlight*, the public is now aware that thousands of children have been sexually abused by Catholic priests, and that many of those predator priests were protected by Catholic officials.

12. The Brooklyn Diocese was no different.

13. Throughout the history of the Brooklyn Diocese, more than 100 clerics associated with the Diocese have been accused of sexual misconduct and/or abuse.

14. The Brooklyn Diocese has thus been aware of the risk of sexual abuse by its clerics for many decades, well before the sexual abuse of the Plaintiff, which is described herein.

15. Sexual abuse by Diocesan clergy was a known, preventable hazard, which the Diocese failed to respond to.

16. One of the Diocese's priest-offenders, and the Plaintiff's abuser, was Brooklyn Diocesan priest George Zatarga ("Zatarga").

17. At all relevant times, Zatarga was on the staff of, acted as an agent of, and served as an employee and agent of the Diocese, including as a priest, schoolteacher, administrator, and/or official.

18. At all relevant times, Zatarga was acting in the course and scope of his employment with the Diocese.

19. Zatarga was ordained as a Brooklyn Diocesan priest in 1968.

20. Thereafter, Zatarga served in several Brooklyn Diocese parishes and schools, including, but not limited to:

- a. 1969: St. Frances de Chantal, Brooklyn, NY
- b. 1970-1971: St. Gertrude's, Edgemere (Queens) & Far Rockaway (Queens), NY
- c. 1972-1978: Queen of All Saints, Brooklyn, NY
- d. 1979: Absent on leave
- e. 1980: St. Clement Pope, Brooklyn, NY
- f. 1980-1981: Archbishop Molloy High School (Boys), Jamaica, NY
- g. 1981-1989: St. Gregory the Great, Brooklyn, NY

- h. 1990-1999: Christ the King, Queens, NY
- i. 2000: Unknown
- j. 2001-2006: Bishop Mugavero Residence, Douglaston, NY
- k. 2004-2006: Senior Priests, Episcopal Vicar Delegate
- l. 2007: American Martyrs, Bayside (Queens), NY

21. In addition, upon information and belief, Zatarga was chaplain at Archbishop Molloy High School from 1979 or 1980 – 89.

22. Zatarga was placed on a leave of absence in 2007 due to allegations of abuse.

23. Prior to abusing the Plaintiff, Zatarga had already begun sexually abusing children.

24. Upon information and belief, Zatarga abused far more children than Plaintiff is currently aware of, both before and after Plaintiff's abuse.

25. Upon information and belief, Zatarga's 1979 "leave" was related to allegations of abusive and/or inappropriate behavior with children.

26. The Diocese knew or should have known that Zataraga posed a danger to the Plaintiff.

27. In 1984, Zatarga used his position with the Diocese to sexually abuse the Plaintiff on multiple occasions.

28. The Diocese held Zatarga out to the Plaintiff and his family as the Diocese's agent, who had been appropriately vetted, screened, and approved.

29. The Plaintiff and his parents reasonably relied on the acts and representations of the Diocese and its agents regarding Zatarga.

30. The Plaintiff and his parents implicitly trusted Zatarga due to Zatarga's relationship to the Diocese, and thus allowed Plaintiff to be alone with Zatarga for "counseling."

31. Like other Catholic dioceses, the Brooklyn Diocese transferred Zatarga to protect Zatarga and the Diocese instead of the children of the Diocese, including the Plaintiff.

32. At no time did the Brooklyn Diocese make Plaintiff or his family aware of Zatarga's history, or of the known risk of abuse posed by him and other Catholic clergy.

33. Such acts by the Brooklyn Diocese were willful, wanton, and/or reckless.

34. As described, Zatarga sexually abused the Plaintiff, in addition to numerous other children.

35. As a direct result of the Defendant's conduct described herein, Plaintiff suffered and will continue to suffer as follows:

- a. Severe and permanent emotional distress, including physical manifestations of emotional distress;
- b. Deprivation of the full enjoyment of life;
- c. Expenses for medical and psychological treatment, therapy, and counseling; and,
- d. Loss of income and/or loss of earning capacity.

Causes of Action

First Cause of Action

Negligent Hiring, Negligent Retention, Negligent Supervision

36. Plaintiff repeats and re-alleges every allegation set forth throughout this Complaint as if fully set forth herein.

37. Defendant owed a duty of care to all minor persons, including Plaintiff, who were likely to come in contact with Zatarga in his role as priest, counselor, trustee, director, officer, employee, agent, servant and/or volunteer of the Defendant.

38. Defendant owed a duty of care to all minor persons, including Plaintiff, to insure Zatarga did not use his position to injure minors by sexual assault, abuse, and/or sexual contact.

39. Defendant had an express and/or implied duty to provide a reasonably safe environment for Plaintiff and assumed the duty to protect and care for them.

40. Defendant negligently hired, retained, and supervised Zatarga though they knew or should have known that Zatarga posed a threat of harm to minors.

41. Defendant knew or should have known of Zatarga's propensity for sexual assault, abuse, and/or sexual contact with minors, the same conduct which caused Plaintiff's injuries.

42. Defendant knew or should have known of Zatarga's propensity for sexual assault, abuse, and/or sexual contact with minors prior to, or at the time of, Plaintiff's injuries.

43. The Plaintiff's sexual abuse by Zatarga was foreseeable, *i.e.*, Defendant were on notice of prior similar incidents and Plaintiff's sexual abuse was the proximate result of Defendant's negligent hiring, retention, and supervision of Zatarga.

44. Zatarga's acts described herein were undertaken, and/or enabled by, and/or during the course, and/or within the scope of Zatarga's employment, appointment, assignment, and/or agency with Defendant.

45. Defendant took no precautions to prevent Plaintiff's injuries.

46. Defendant failed to take reasonable precautions to prevent Plaintiff's injuries.

47. Defendant gave improper or ambiguous orders or failed to make proper regulations, and/or employed improper persons or instrumentalities in work involving risk of harm to others.

48. Defendant failed adequately to supervise the activities of Zatarga.

49. Defendant failed to protect against or warn the Plaintiff or their families of the known risk of priest abuse within the Diocese.

50. Defendant permitted, and/or intentionally failed and/or neglected to prevent, negligent and/or grossly negligent conduct and/or allowed other tortious conduct by persons, whether or not their servants and/or agents and/or employees, upon premises or with instrumentalities under their control.

51. Defendant allowed the acts of omission and/or commission and/or any or all of the allegations set forth in this Complaint to occur.

52. Defendant's actions were negligent, grossly negligent, willful, wanton, malicious, reckless, and/or outrageous in their disregard for the rights and safety of Plaintiff.

53. As a direct and proximate result of Defendant's actions and omissions, Plaintiff suffered and will continue to suffer injuries, as described herein.

54. By reason of the foregoing, the Defendant is liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

55. The limitations on liability set forth in CPLR 1601 do not apply by reason of one or more of the exemptions set forth in CPLR 1602.

**Second Cause of Action
Negligence/Gross Negligence/Recklessness**

56. Plaintiff repeats and re-alleges every allegation set forth throughout this Complaint as if fully set forth herein.

57. Defendant owed Plaintiff, minors at the relevant times of abuse, a duty to protect them from Zatarga and the consequential damages, both prior to and/or subsequent to Zatarga's misconduct.

58. Defendant knew, should have known, or were negligent in not knowing, of Zatarga's propensity for sexual assault, abuse, and/or sexual contact with minors and that Zatarga posed a threat of sexual abuse to children.

59. Defendant's actions were negligent, grossly negligent, willful, wanton, malicious, reckless, and/or outrageous in their disregard for the rights and safety of Plaintiff.

60. As a direct and proximate result of Defendant's actions and omissions, Plaintiff suffered and will continue to suffer injuries, as described herein.

61. By reason of the foregoing, the Defendant is liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

62. The limitations on liability set forth in CPLR 1601 do not apply by reason of one or more of the exemptions set forth in CPLR 1602.

**Third Cause of Action
Breach of Non-Delegable Duty**

63. Plaintiff repeats and re-alleges every allegation set forth throughout this Complaint as if fully set forth herein.

64. Plaintiff, as a vulnerable minor, was in the care and under the supervision of the Defendant.

65. There existed a non-delegable duty of trust and protection between Plaintiff and the Defendant.

66. Defendant was in the best position to prevent Plaintiff's abuse by Diocesan priests, including Zatarga, who was under the supervision, employ, direction and/or control of the Defendant.

67. Defendant breached their non-delegable duty to Plaintiff.

68. Defendant's actions were negligent, grossly negligent, willful, wanton, malicious, reckless, and/or outrageous in their disregard for the rights and safety of Plaintiff.

69. By reason of the foregoing, the Defendant is liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

70. The limitations on liability set forth in CPLR 1601 do not apply by reason of one or more of the exemptions set forth in CPLR 1602.

**Fourth Cause of Action
Breach of Fiduciary Duty**

71. Plaintiff repeats and re-alleges every allegation set forth throughout this Complaint as if fully set forth herein.

72. At all times relevant, there existed a fiduciary relationship of trust, confidence, and reliance between Defendant and Plaintiff that required the Defendant to act in Plaintiff's best interests.

73. Defendant breached their fiduciary relationship with Plaintiff.

74. Defendant's actions were negligent, grossly negligent, willful, wanton, malicious, reckless, and/or outrageous in their disregard for the rights and safety of Plaintiff.

75. By reason of the foregoing, the Defendant is liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

76. The limitations on liability set forth in CPLR 1601 do not apply by reason of one or more of the exemptions set forth in CPLR 1602.

**Fifth Cause of Action
Negligent Infliction of Emotional Distress**

77. Plaintiff repeats and re-alleges every allegation set forth throughout this Complaint as if fully set forth herein.

78. Plaintiff, as a vulnerable minor, was in the care and under the supervision of the Defendant, and thus Defendant owed Plaintiff a duty of care.

79. By reason of the foregoing, Defendant breached that duty of care.

80. Defendant unreasonably endangered the Plaintiff's physical safety, and/or caused the Plaintiff to fear for his own safety.

81. As a direct result of Defendant conduct heretofore described, Plaintiff suffered severe emotional harm and distress, as described herein.

82. Defendant's actions were negligent, grossly negligent, willful, wanton, malicious, reckless, and/or outrageous in their disregard for the rights and safety of Plaintiff.

83. By reason of the foregoing, the Defendant is liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

84. The limitations on liability set forth in CPLR 1601 do not apply by reason of one or more of the exemptions set forth in CPLR 1602.

**Sixth Causes of Action
Intentional Infliction of Emotional Distress**

85. Plaintiff repeats and re-alleges every allegation set forth throughout this Complaint as if fully set forth herein.

86. Defendant's conduct, as heretofore described, was so outrageous in character, and so extreme in degree, as to go beyond all possible bounds of decency, and to be regarded as atrocious, and utterly intolerable in a civilized community.

87. Defendant intended to cause, or disregarded a substantial probability of causing, severe emotional distress in Plaintiff.

88. Defendant willful, wanton, and/or reckless conduct caused the Plaintiff severe emotional distress.

89. As a direct result of Defendant's conduct heretofore described, Plaintiff suffered severe emotional harm and distress, as described herein.

90. By reason of the foregoing, the Defendant is liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

91. The limitations on liability set forth in CPLR 1601 do not apply by reason of one or more of the exemptions set forth in CPLR 1602.

**Seventh Cause of Action
Breach of Duty in Loco Parentis**

92. Plaintiff repeats and re-alleges every allegation set forth throughout this Complaint.

93. At all times relevant, the Plaintiff was entrusted to the control of the Defendant.

94. At all relevant times, Defendant was acting in loco parentis with respect to Plaintiff.

95. The Defendant owed a duty to Plaintiff, as a child entrusted to them, to act in loco parentis and prevent foreseeable injuries to them.

96. Defendant's conduct, as heretofore described, violated its duties in loco parentis.

97. Defendant's actions were negligent, grossly negligent, willful, wanton, malicious, reckless, and/or outrageous in their disregard for the rights and safety of Plaintiff.

98. By reason of the foregoing, the Defendant is liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

99. The limitations on liability set forth in CPLR 1601 do not apply by reason of one or more of the exemptions set forth in CPLR 1602.

**Eighth Cause of Action
Nuisance**

100. Plaintiff repeats and re-alleges every allegation set forth throughout this Complaint.

101. Defendant continues to conspire and engage and/or has conspired and engaged in efforts to: 1) conceal sexual abuse committed by Defendant's agents against children; and/or 2) protect Defendants' agents from prosecution for their sexual abuse of children; 3) conceal from the public the known dangers posed by its agents; and/or 4) allow known child abusers to live freely in the community unknown to the public.

102. The conduct, deception and concealment by Defendant has knowingly and/or recklessly created and/or maintained a condition which unreasonably endangers the safety and health of a considerable number of persons, including, but not limited to, children and residents in the Diocese of Brooklyn and other members of the general public.

103. Defendant's failure to report multiple allegations of sexual assault and abuse of children to proper authorities knowingly and/or recklessly endangered the safety and health of a considerable number of persons by allowing child molesters to avoid prosecution and remain living freely in unsuspecting communities.

104. These child molesters, known to the Diocese but not to the public, pose(d) a threat of additional abuse to a considerable number of members of the public and Plaintiff.

105. Defendant's deception and concealment of sexually abusive clerics was and continues to be done with full awareness and conscious disregard of the injurious conditions created and the corresponding risk to the public and individuals in the communities where credibly accused molesters are present, including, but not limited to Plaintiff.

106. It offends the public morals in that the general public and Plaintiff cannot trust Defendant to warn parents of the presence of the current and/or former credibly accused molesters, nor to identify their current and/or former credibly accused molesters, nor to disclose said credibly accused molesters' assignment histories, nor to disclose their patterns of conduct in grooming and sexually assaulting children, all of which create an impairment of the safety and welfare of children in the neighborhoods where Defendant conducted, and continues to conduct, its business.

107. The unreasonable, knowing and reckless conduct, deception and concealment by Defendant was and continues to be especially injurious to Plaintiff's health as Plaintiff was sexually abused by Defendant's agent.

108. The unreasonable, knowing and reckless conduct, nuisance, deception and concealment by Defendant was especially injurious to Plaintiff's health and wellbeing.

109. Plaintiff suffered and continues to suffer particular and peculiar harm as a result of the Diocese's knowing and reckless concealment of clerics credibly accused of sexually molesting minors.

110. Defendant acted unreasonably by knowingly and/or recklessly creating or maintaining a condition which endangered the safety or health of a considerable number of persons with a conscious disregard for Plaintiff's rights.

111. By reason of the foregoing, the Defendant is liable to the Plaintiff, jointly, severally and/or in the alternative liable to the Plaintiff for compensatory damages and for punitive damages, together with interest and costs.

112. The limitations on liability set forth in CPLR 1601 do not apply by reason of one or more of the exemptions set forth in CPLR 1602.

JURY DEMAND

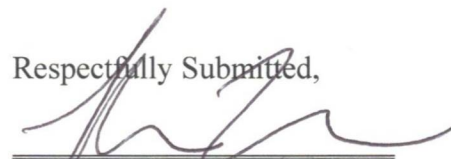
113. Plaintiff demand a trial by jury on all issues so triable.

WHEREFORE Plaintiff demands judgment against the Defendant on each cause of action as follows:

- a) Awarding compensatory damages in an amount to be proved at trial, in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction;
- b) Awarding punitive damages to the extent permitted by law;
- c) Awarding prejudgment interest to the extent permitted by law;
- d) Awarding costs and fees of this action, including attorneys' fees, to the extent permitted by law; and
- e) Awarding such other and further relief as to this Court may seem just and proper.

Dated: August²⁶, 2019
New York, New York

Respectfully Submitted,



Kathleen Thomas, Esq.

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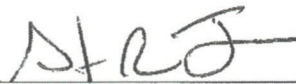
Attorneys for Plaintiffs

VERIFICATION

STATE OF NY)

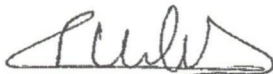
COUNTY OF NY) ss:

Stephen R. Jackson, being duly sworn, deposes and says: That he is a plaintiff in this action; that he has read the foregoing Complaint and knows the contents thereof; that the same is true to the knowledge of deponent, except as to the matters therein stated to be alleged upon information and belief, and as to those matters, deponent believes it to be true.



[Name]

Sworn to before me this
22 day of August 2019.



NOTARY PUBLIC

